

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DIPONIO CONSTRUCTION CO., INC.,

Plaintiff,

v.

INTERNATIONAL UNION OF BRICKLAYERS  
AND ALLIED CRAFTWORKERS, LOCAL 9,

Defendant,

and

NATIONAL LABOR RELATIONS BOARD,

Intervening Party.

Case No. 10-10607

SENIOR UNITED STATES DISTRICT JUDGE  
ARTHUR J. TARNOW

UNITED STATES MAGISTRATE JUDGE  
MONA K. MAJZOUB

**JUDGMENT**

In accordance with the Order entered September 22, 2010, and the Court having adopted the Magistrate Judge's Report and Recommendation as to there being no subject matter jurisdiction,

IT IS ORDERED AND ADJUDGED that this case shall be **DISMISSED WITHOUT PREJUDICE**.

DAVID J. WEAVER, CLERK OF THE COURT

BY: s/ Lisa M. Ware  
Deputy Clerk

Approved:

s/ ARTHUR J. TARNOW  
Arthur J. Tarnow,  
Senior United States District Judge

Dated: September 22, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 22, 2010, by electronic and/or ordinary mail.

s/ LISA M. WARE  
Case Manager